

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ANNE DE LACOUR, ANDREA WRIGHT, and  
LOREE MORAN, individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

COLGATE-PALMOLIVE CO., and TOM'S OF  
MAINE INC.,

Defendants.

Civil Action No. 1:16-cv-08364-KMW

**DECLARATION OF HANNAH Y. CHANOINE**

I, Hannah Y. Chanoine, do hereby declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney at O'Melveny & Myers LLP, counsel of record for Defendants Colgate-Palmolive Co. ("Colgate"), and Tom's of Maine Inc. ("Tom's," and together with Colgate, "Defendants"). I am admitted to the Bar of the State of New York, and am licensed to appear before this Court. I hereby submit this declaration in support of Defendants' Motion to Exclude Reports and Testimony of Plaintiffs' Experts J. Michael Dennis and Colin B. Weir, based upon my personal knowledge and review of the case file.

2. Attached as **Exhibit 1** is a true and correct copy of the July 8, 2022 Expert Report of Plaintiffs' proffered damages expert, Dr. J. Michael Dennis. Pursuant to the contemporaneously filed letter motion to seal, portions of Exhibit 1 have been designated as confidential by Defendants and have been filed under seal.

3. Attached as **Exhibit 2** is a true and correct copy of excerpts of the September 19, 2022 deposition of Plaintiffs' proffered damages expert, Dr. J. Michael Dennis.

4. Attached as **Exhibit 3** is a true and correct copy of the August 23, 2022 Rebuttal Report of Professor David Reibstein, Defendants' conjoint expert. Pursuant to the contemporaneously filed letter motion to seal, portions of Exhibit 3 have been designated as confidential by Defendants and have been filed under seal.

5. Attached as **Exhibit 4** is a true and correct copy of excerpts of the September 15, 2022 deposition of Professor Edward J. Fox, Defendant's damages expert.

6. Attached as **Exhibit 5** is a true and correct copy of excerpts of the September 9, 2022 deposition of Plaintiffs' proffered damages expert, Mr. Colin B. Weir.

7. Attached as **Exhibit 6** is a true and correct copy of Joel Huber's *What We Have Learned from 20 Years of Conjoint Research: When to Use Self-Explicated, Graded Pairs, Full Profiles, or Choice Experiments*, introduced as Exhibit 7 of the September 19, 2022 deposition of Plaintiffs' proffered damages expert, Dr. J. Michael Dennis.

8. Attached as **Exhibit 7** is a true and correct copy of excerpts from Bryan K. Orme's *Getting Started with Conjoint Analysis: Strategies for Product Design and Pricing Research*, introduced as Exhibit 6 of the September 19, 2022 deposition of Plaintiffs' proffered damages expert, Dr. J. Michael Dennis.

9. Attached as **Exhibit 8** is a true and correct copy of excerpts of the September 18, 2022 deposition of Professor David Reibstein, Defendants' conjoint expert. Pursuant to the contemporaneously filed letter motion to seal, portions of Exhibit 8 have been designated as confidential by Defendants and have been filed under seal.

10. Attached as **Exhibit 9** is a true and correct copy of the August 23, 2022 Rebuttal Report of Professor Edward J. Fox, Defendants' damages expert. Pursuant to the

contemporaneously filed letter motion to seal, portions of Exhibit 9 have been designated as confidential by Defendants and have been filed under seal.

11. Attached as **Exhibit 10** is a true and correct copy of excerpts from Bryan K. Orme's *Getting Started with Conjoint Analysis: Strategies for Product Design and Pricing Research* (Research Publishers LLC, 3d. Ed. 2014).

12. Attached as **Exhibit 11** is a true and correct copy of Lisa Cameron's *The Role of Conjoint Surveys in Reasonable Royalty Cases*, introduced as Exhibit 3 of the September 19, 2022 deposition of Plaintiffs' proffered damages expert, Dr. J. Michael Dennis.

13. Attached as **Exhibit 12** is a true and correct copy of Memorandum of Law in Support of General Motors LLC's Motion to Exclude the Opinions of Stefan Boedeker, introduced as Exhibit 4 of the from the September 19, 2022 deposition of Plaintiffs' proffered damages expert, Dr. J. Michael Dennis.

14. Attached as **Exhibit 13** is a true and correct copy of *Computing Damages in Product Mislabeling Cases: Plaintiffs' Mistaken Approach in Briseno v. ConAgra* by Allenby, et al., introduced as Exhibit 5 of the September 19, 2022 deposition of Plaintiffs' proffered damages expert, Dr. J. Michael Dennis.

15. Attached as **Exhibit 14** is a true and correct copy of the July 22, 2022 Expert Report of Plaintiffs' proffered damages expert, Mr. Colin B. Weir. Pursuant to the contemporaneously filed letter motion to seal, portions of Exhibit 14 have been designated as confidential by Defendants and have been filed under seal.

16. Attached as **Exhibit 15** is a true and correct copy of *Testing Consumer Perception of Nutrient Claims using Conjoint Analysis* by Drewnowski, et al., introduced as Exhibit 5 of the September 9, 2022 deposition of Plaintiffs' proffered damages expert, Mr. Colin B. Weir.

17. Attached as **Exhibit 16** is a true and correct copy of *Evaluation of Packing Attributes of Orange Juice on Consumers' Intention to Purchase by Conjoint Analysis and Consumer Attitudes Expectation* by Gadioli, et al., introduced as Exhibit 6 of the September 9, 2022 deposition of Plaintiffs' proffered damages expert, Mr. Colin B. Weir.

18. Attached as **Exhibit 17** is a true and correct copy of *Estimating Consumers' Willingness to Pay for Health Food Claims: A Conjoint Analysis* by Mitsunori Hirogaki, introduced as Exhibit 4 of the September 9, 2022 deposition of Plaintiffs' proffered damages expert, Mr. Colin B. Weir.

19. Attached as **Exhibit 18** is a true and correct copy of the November 8, 2017 Omnibus Opposition to Plaintiffs' Motion for Class Certification, Opposition to Plaintiffs' Request for Judicial Notice, and *Daubert* Motion to Exclude Plaintiffs' Experts' Reports, filed by New Balance Athletics, Inc in Civil Case No. 3:17-cv-00159, *Dashnaw v. New Balance Athletics, Inc.*

20. Attached as **Exhibit 19** is a true and correct copy of the January 24, 2019 Order Granting Plaintiffs' Second Renewed Motion for Preliminary Approval of Settlement in Civil Case No. 3:17-cv-00159, *Dashnaw v. New Balance Athletics, Inc.*

21. Attached as **Exhibit 20** is a true and correct copy of the civil docket for Case No.: 3:19-cv-01182, *Montgomery v. Stanley Black & Decker Inc.*

22. Attached as **Exhibit 21** is a true and correct copy of Exhibit 21 to the August 23, 2022 Rebuttal Report of Professor David Reibstein, Defendants' conjoint expert. Pursuant to the contemporaneously filed letter motion to seal, portions of Exhibit 21 have been designated as confidential by Defendants and have been filed under seal.

23. Attached as **Exhibit 22** is a true and correct copy of Exhibit 8 to the August 23, 2022 Rebuttal Report of Professor David Reibstein, Defendants' conjoint expert.

24. Attached as **Exhibit 23** is a true and correct copy of Exhibit 20 to the August 23, 2022 Rebuttal Report of Professor David Reibstein, Defendants' conjoint expert.

25. Attached as **Exhibit 24** is a true and correct copy of Exhibit 9 to the August 23, 2022 Rebuttal Report of Professor David Reibstein, Defendants' conjoint expert. Pursuant to the contemporaneously filed letter motion to seal, portions of Exhibit 24 have been designated as confidential by Defendants and have been filed under seal.

Executed this 24<sup>th</sup> day of October, 2022, in New York, New York.

/s/ Hannah Y. Chanoine  
Hannah Y. Chanoine